

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EUGENIA SPENCER

06-CV-2852 (KMW) (DFE)

Plaintiff,

-against-

THE CITY OF NEW YORK (including THE BOARD,
OF EDUCATION OF CITY OF NEW YORK); JAMES
PHILEMY, ILYSA MANDELL, and JOHN and / or
JANE DOE (S), each in their official and individual
capacities,

Defendants.

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**AFFIRMATION OF ANTHONY C. OFODILE, ESQ. IN OPPOSITION
TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Anthony C. Ofodile, Esq., affirms under penalty of law as follows:

1. I am an attorney duly admitted to practice in the State of New York and in this Court and the Attorney of Record for Plaintiff Eugenia Spencer in this case and as such I am fully familiar with the facts of this case and I make this Affirmation in opposition to Defendants' Motion for Summary Judgment.

2. Annexed hereto as Exhibit 1 is a copy of a letter dated November 18, 2003 from Philemy to whom it may concern.

3. Annexed hereto as Exhibit 2 are copies of an undated e-mail from Ross Gayle to Rjennin and a November 25, 2003 letter from Philemy to Charles Peeples.

4. Annexed hereto as Exhibit 3 are copies of incident reports filed by Eugenia Spencer dated 12/19/2003 and 12/22/2003.

5. Annexed hereto as Exhibit 4 is a copy of Spencer's December 29, 2003 complaint with the NYC Police Department.

6. Annexed hereto as Exhibit 5 is a copy of an incident Report form filed by Eugenia Spencer, dated January 5, 2004.

7. Annexed hereto as Exhibit 6 is copy of a School Safety Department incident report filed by Eugenia Spencer.

8. Annexed hereto as Exhibit 7 is a copy of an Informal Observation of Eugenia Spencer by Principal Philemy dated January 6, 2004.

9. Annexed hereto as Exhibit 8 is copy of a letter dated February 2, 2004 asking for Ms. Spencer's signature, and a copy of Eugenia Spencer's response to her informal observation, dated February 5, 2004 .

10. Annexed hereto as Exhibit 9 are copies of student removal forms filed by Spencer dated March 1 and March 5, 2003.

11. Annexed hereto as Exhibit 10 is a copy of the formal observation of Eugenia Spencer on April 19, 2004, dated June 30, 2004.

12. Annexed hereto as Exhibit 11 are copies of letters dated May 4, 2004 by Ilyssa Mandell, and May 11, 2004 by James Philemy in regards to Eugenia Spencer's interaction Jazmin Martinez's parents.

13. Annexed hereto as Exhibit 12 is a copy of a documented Step II Conference dated June 24, 2004.

14. Annexed hereto as Exhibit 13 are copies of deposition transcripts of Plaintiff Eugenia Spencer taken on May 28, 2009 and June 5, 2009.

15. Annexed hereto as Exhibit 14 is a copy of the deposition transcripts of Defendant James Philemy.

16. Annexed hereto as Exhibit 15 is a copy of the deposition transcripts of Defendant Ilyssa Mandell.

17. Annexed hereto as Exhibit 16 is a copy of the Order of Protection dated September 15, 2004.

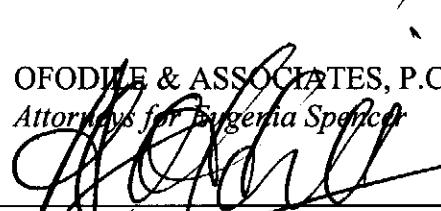
18. Annexed hereto as Exhibit 17 are copies of evaluations of formal Observations of Eugenia Spencer by Roberto Clemente CIS 166.

19. Annexed hereto as Exhibit 18 are two copies of an article from the NY Post titled "In School molest raps for two teens" dated May 18, 2010.

20. Annexed hereto as Exhibit 19 is copy of a law review article by Richard D. Shane, titled Teachers as Sexual Harassment Victims: The Inequitable Protections of Title VII In Public Schools, 61 FLA. L. REV. 355 (2009).

Dated: Brooklyn, New York
May 29, 2010

OFODILE & ASSOCIATES, P.C.
Attorneys for Eugenia Spencer

By: 

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